



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

RESPECTFUL WORKPLACE POLICY

Purpose	To ensure that participants of the Legislative Assembly work in a respectful workplace, free of disrespectful behaviour, harassment, discrimination, and violence.
Objective	To achieve a respectful workplace by identifying roles and responsibilities for preventing and addressing incidents of disrespectful behaviour, harassment, discrimination, and violence among participants of the Legislative Assembly and by establishing a process to ensure complaints about respect in the workplace are resolved promptly, fairly and effectively.
Application	This Policy applies to participants of the Legislative Assembly, as set out in Appendix A.
Authority	Legislative Assembly organizational policies are approved by the Legislative Assembly Management Committee, as per <i>Policy 1000 – Legislative Assembly Policy Framework</i> .
Key Definitions	<p>“complaint” means a concern or allegation brought forward to the Independent Respectful Workplace Office. The Independent Respectful Workplace Office will determine if the complaint is formal or informal;</p> <ol style="list-style-type: none">1) “formal complaint” means an allegation of disrespectful behaviour, harassment, discrimination, or violence in contravention to this Policy that will proceed through a formal investigation;2) “informal complaint” means a concern or allegation that is brought forward to the Independent Respectful Workplace Office related to disrespectful and or harassing behaviour which is dealt with through an informal process; <p>“complainant” means an individual who believes that they have been subjected to conduct prohibited by this Policy and is seeking remedy under this Policy;</p> <p>“discrimination” means a distinction, whether intentional or not, based on grounds related to personal characteristics of the individual or group</p>

which has the effect of imposing burdens, obligations, or disadvantages on such individuals or groups that are not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society;

Personal characteristics include: race, colour, ancestry, place of origin, political beliefs, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age, or conviction of a criminal or summary offence not related to employment;

“disrespectful behaviour” means engaging with people in ways that do not promote positive relationships;

“harassment” means any action or repeated behaviour or comment that is directed at or indirectly encountered by someone, that is known or ought to be known to be unwelcome or intimidating to the recipient, including bullying, and which denies that individual dignity and respect. Further, it is any inappropriate conduct that has the purpose or effect of: creating an intimidating, offensive or poisoned work environment; unreasonably interfering with an individual's work performance; or affecting an individual's employment opportunities. Harassment can occur even where there is no intention to offend;

“Independent Respectful Workplace Office” means the independent office that receives complaints, conducts investigations, ensures that the *Respectful Workplace Policy* is upheld and performs the duties as set out in section 3.03 of this Policy;

“interim measures” are preventative or precautionary measures, such as physical or organizational reassignment, to accommodate and protect the complainant until the matter is resolved. Interim measures might apply where there is an imminent risk of irreparable harm or where not instituting measures may jeopardize an investigation. Measures may be agreed upon between the complainant and respondent or actioned by respective employers; in the case of Members, this means their House leader or in the case of an Independent Member, the Speaker of the Legislative Assembly;

“management” means any position that has either direct or indirect reports and includes leads, supervisors, managers, directors, and executives. In the case of Members, management refers to their House leader; in the case of Independent Members, it refers to the Speaker of the Legislative Assembly;

“Member” means a Member of the Legislative Assembly of British Columbia, regardless of whether or not they are acting in another capacity such as a Parliamentary Secretary or a Member of Executive

Council;

“participant(s) of the Legislative Assembly” or **“participant(s)”** means those covered by this Policy, as set out in Appendix A;

“reasonable person” refers to whether a hypothetical person in roughly the same position as the complainant would determine that the conduct of the party was improper. This hypothetical person exercises the average care and judgement in conduct that society requires of its members for the protection of their own and others’ interests;

“respondent” means an individual or group of individuals alleged to have breached this Policy;

“sexual harassment” means a form of harassment involving any act, conduct, comment, gesture or contact of a sexual or sexist nature, whether on a one-time or recurring basis, that is known or might reasonably be expected to be unwelcome or to cause offence or humiliation to the recipient, or might reasonably be perceived as placing a condition of a sexual nature on employment or an opportunity for training or promotion;

“standard of proof” means in reaching a decision on whether the Policy has been breached, the investigator will use a standard of proof corresponding to the civil burden of proof on a balance of probabilities. The civil burden of proof will always be used during investigations, even in situations where allegations may result in criminal charges;

“vexatious or frivolous complaints” means a complaint where the complainant knows, or it is clearly apparent upon review, that there is no foundation in fact that would suggest a breach of this Policy, or where the complaint is filed for the purpose of bringing an adverse consequence to the respondent or another participant, or for another improper purpose;

“violence” means any threatened, attempted, or actual conduct that causes or is likely to cause physical injury to a person or damage to property.

1. General

- .01 The Respectful Workplace Policy, referred to as “the Policy” or “this Policy”, covers employment-related harassment, disrespectful behaviour, discrimination, and violence at or away from the workplace and during or outside of working hours. It applies to both direct and indirect interactions and includes in-person, telephone and electronic or internet communications.

- .02 Some participants of the Legislative Assembly are governed by other workplace conduct policies and agreements, including, but not limited to:
- a) the BC Public Service Agency's [Standards of Conduct, Discrimination and Harassment in the Workplace](#), and Occupational Safety and Health policies;
 - b) *Legislative Assembly Policy 4020 – Respectful Workplace*;
 - c) the Collective Agreement between the BC NDP Caucus and BC Government and Services Employees Union;
 - d) applicable policies within the BC Green Caucus, the BC Liberal Caucus, and the BC NDP Caucus; and
 - e) [Standards of Conduct for Political Staff](#).
- .03 The intent of this Policy is to establish universal understanding of respectful workplace standards of conduct and a process for complaints for participants of the Legislative Assembly who do not share an existing workplace conduct policy.
- .04 Participants who share a separate workplace conduct policy, such as those listed above, should follow their respective reporting and resolution procedures. However, the services and supports offered by the Independent Respectful Workplace Office are open to all participants of the Legislative Assembly.
- .05 Participants of the Legislative Assembly act in accordance with the principles of the BC *Human Rights Code* and are guided by the principles of WorkSafeBC.
- .06 This Policy does not apply to the interactions between Members in the context of parliamentary proceedings, where the Standing Orders of the Legislative Assembly apply, including within Committee of the Whole, Committee of Supply, and parliamentary committee proceedings.

2. Respectful Workplace

- .01 All participants of the Legislative Assembly have a responsibility to behave in a manner that creates and maintains a respectful workplace. The Legislative Assembly will not tolerate intentional or unintentional acts of disrespectful behaviour, harassment, discrimination, or violence. All participants must treat each other and all external contacts with respect, upholding the dignity of every individual.
- .02 Management may be considered a party to harassment, disrespectful behaviour, discrimination, or violence if they fail to act quickly upon or report information concerning such incidents or do not act in situations where they witness or ought reasonably to have known about incidents of harassment, disrespectful behaviour, discrimination, or violence.

- .03 This Policy is not intended to constrain the respective employers under this Policy from exercising, in good faith, their supervisory and managerial rights and responsibilities, such as acceptable approaches to performance appraisal, staff relations, counselling and disciplinary action.
- .04 Participants, with the assistance of management, if appropriate, are expected to make reasonable efforts to informally address potential conflicts when they arise or become known. Where the participant is uncomfortable or unable to approach the individual, the incident should be reported to the Independent Respectful Workplace Office.
- .05 The complainant and the respondent have the right to be treated fairly and seek confidential support and advice from trusted individuals, while preserving the dignity, privacy, self-respect, and confidentiality of all persons. Any breach of confidentiality, including the release of any documentation or information related to a complaint or an investigation, will be investigated and may be subject to appropriate disciplinary action. The Independent Respectful Workplace Office may inform management of the matter if support from management is required to ensure a safe work environment (e.g. through the provision of interim measures) or if there are concerns about the health and safety of persons at the workplace.
- .06 This Policy shall not be used for vexatious, frivolous, partisan, political or vindictive purposes as determined by the Independent Respectful Workplace Office.

3. Roles and Responsibilities

- .01 **Participants**
Every participant of the Legislative Assembly has a role in building and maintaining a respectful workplace. All participants must:
 - a) behave in an inclusive and professional manner;
 - b) not engage in harassing, discriminatory, disrespectful, or violent behaviour;
 - c) apply and comply with caucus, union, Public Service Agency and other Legislative Assembly policies and procedures as applicable to their circumstances;
 - d) ensure they understand this Policy (lack of awareness of the Policy is not a defence for harassing, discriminatory, disrespectful, or violent behaviour);
 - e) complete training sessions designed to familiarize themselves with this Policy; and
 - f) if involved in an investigation, respect confidentiality at all times.
- .02 **Management**
Management sets the tone and are role models for other participants. All Management must:

- a) model inclusive and professional behaviour and not participate in harassing, discriminatory, disrespectful, or violent behaviour;
- b) follow this Policy and ensure that participants under their supervision or direction follow the Policy;
- c) ensure that all participants are aware of and understand this Policy and regularly review it with their staff;
- d) immediately take steps to resolve a situation of harassment, discrimination, disrespectful behaviour, or violence when it becomes known, and consult with the Independent Respectful Workplace Office to determine if further steps are required, and provide information to assist in the investigation of a complaint, if required;
- e) respect confidentiality at all times;
- f) impose discipline or take other corrective action, such as providing direction and supervision to affected participants, providing training to facilitate an understanding of appropriate personal interactions and management of difficult situations; and
- g) work with the Independent Respectful Workplace Office, as appropriate, to restore a respectful workplace after a complaint.

.03 Independent Respectful Workplace Office

The Independent Respectful Workplace Office is independent of the Legislative Assembly and reports through the Clerk of the Legislative Assembly to the Subcommittee on Administration and Operations. The primary goal of the Independent Respectful Workplace Office is to act at all times in the interest of upholding this Policy and related aspects of employment law, and must:

- a) educate and advise on the Policy and procedures that are in place to ensure a respectful workplace among Legislative Assembly participants;
- b) educate participants on their rights and responsibilities under this Policy and of the mechanisms in place to investigate and resolve complaints;
- c) receive complaints made by or against participants of the Legislative Assembly, including those reported by a third party, and determine whether a formal investigation is required, whether a contravention of this Policy has occurred, and the appropriate remedy;
- d) provide mediation and informal resolution services to participants for possible early resolution of a complaint;
- e) investigate formal complaints in a timely manner and act as a fact finder in an impartial manner;
- f) consider, in consultation with appropriate management, whether to recommend interim measures to limit interaction between a complainant and respondent during the complaints process.

Interim measures shall be revisited upon resolution of formal or informal processes;

- g) inform the complainant and respondent in writing of the investigation outcome;
- h) prepare a report on the results of the investigation that sets out the allegations, and findings of fact (what happened) and law (was there a breach), and provide advice and recommendations to participants on actions to address findings and to restore a respectful workplace. A full report of the investigation will be shared with appropriate management. A summary of the report will be shared with the complainant and respondent. This summary will limit disclosure to matters essential to understanding the finding and the reasons supporting the finding and will protect the confidential interests of witnesses to the extent that fairness allows;
- i) respect confidentiality at all times;
- j) maintain confidential records of all complaints;
- k) review this Policy on an annual basis; and
- l) report to the Subcommittee on Administration and Operations through the Clerk of the Legislative Assembly on a quarterly basis regarding aggregate data, workplace culture, training initiatives, and recommendations to improve the Policy.

4. Reporting Concerns

- .01 A participant who perceives that they or another participant are being subject to acts of disrespectful behaviour, harassment, discrimination, or violence should:
 - a) inform the perpetrating individual as soon as possible that their conduct is objectionable and unwelcome;
 - b) if concerns remain, the participant should inform management;
 - c) where the participant is uncomfortable or unable to approach the individual or management, report the incident to the Independent Respectful Workplace Office;
 - d) keep a written record of the details of the incident(s) – e.g., times, locations, names of witnesses;
 - e) participate in an investigation by providing any evidence which may assist in resolving the issues;
 - f) preserve the confidentiality of information pertaining to the complaint, investigation, findings, recommendations, and decisions regarding a complaint; and
 - g) report the matter to the appropriate authorities if the behaviour is criminal in nature.
- .02 Any participant who observes or has information they believe to be true related to a breach of the Policy is encouraged to immediately advise the Independent Respectful Workplace Office.

No participant should assume that the Independent Respectful Workplace Office is aware of a problem. Participants are encouraged to report all complaints and concerns.

- .03 Before proceeding to the formal complaint process, a participant who believes they have a complaint of disrespectful behaviour, harassment, discrimination, or violence may approach the Independent Respectful Workplace Office to discuss potential means of resolving the complaint and to request assistance in resolving the matter. If the Independent Respectful Workplace Office is satisfied that a respectful workplace has been restored, the matter is deemed to be completed. A record of the issue and its resolution will be maintained in the Independent Respectful Workplace Office.
- .04 If a complainant does not wish to proceed with a complaint, another participant or third party may report an alleged breach of this Policy to the Independent Respectful Workplace Office.
- .05 Participants who file a complaint under this Policy are expected to do so as soon as possible and within six months of the alleged incident. The Independent Respectful Workplace Office may extend this time limit if warranted under the circumstances.
- .06 Not all complaints will result in an investigation. The Independent Respectful Workplace Office will provide three levels of support to respond to complaints:

Level 1: Reporting of informal complaints: Participants may wish to simply discuss workplace behaviours that are deemed problematic and receive informal supports such as coaching;

Level 2: Mediation/Supported Dialogue: If a matter would benefit from formal support from the Independent Respectful Workplace Office, mediations/supported dialogue between the complainant/witness and respondent can be supported;

Level 3: Investigation: A matter can be formally investigated.

5. Investigations

- .01 All formal complaints will be investigated promptly and thoroughly by the Independent Respectful Workplace Office. This Policy will be interpreted, administered, and applied in accordance with the principles of procedural fairness and natural justice. In particular:
 - a) all participants will be advised of the provisions of this Policy and of the procedures available to them under the terms of this Policy;
 - b) any complainant who wishes to seek resolution of a complaint through mediation or investigation under this Policy must be prepared to be identified to the respondent; and

- c) complainants and respondents will be given the opportunity to present evidence in support of their positions and to defend themselves against allegations of a breach of this Policy.

All formal complaints must be submitted in writing. All submissions, responses, comments, and decisions pursuant to the Policy will be issued in writing and the record will be held in the Independent Respectful Workplace Office.

- .02 **Informal Resolution** – The Independent Respectful Workplace Office may pursue options for mediation or informal resolution of complaints. At any time in the process, a resolution may be reached with the consent of the parties in consultation with the Independent Respectful Workplace Office.

Informal resolution involves making the situation known to the other participant in a constructive manner and could involve seeking support from a manager, a facilitator or a union representative, or mediator. Informal resolution can include agreement between the participants that the behaviour will not continue, and restorative justice approaches.

A record of the complaint and of its resolution will be maintained in the Independent Respectful Workplace Office.

- .03 **Formal Investigation** – A complaint that is not resolved through informal resolution may proceed to a formal investigation, to be conducted by the Independent Respectful Workplace Office. A formal investigation will proceed if deemed necessary by the Independent Respectful Workplace Office, in which case, appropriate management may be informed. The investigation will use the reasonable person standard as well as the civil standard of proof to help determine the appropriateness of participant actions.

External Investigation – If the incident is serious, complex, or sensitive in nature, an external investigator may be retained to conduct or assist in an investigation. The external investigator will be drawn from a list of individuals previously agreed upon by the Legislative Assembly Management Committee. The list of previously agreed upon external investigators may include retired provincial court judges, out-of-province independent officers, independent legal counsel, conflict resolution experts, or other suitable professionals. The external investigator may be retained by the Independent Respectful Workplace Office at the request of the Independent Respectful Workplace Office, the complainant, or the respondent.

- .04 Participants may have, in addition to this Policy, other internal and external avenues to address concerns about respectful workplace behaviour. In the case where a formal complaint has been filed under

this Policy and the complainant has also opted to exercise their rights under another avenue of redress, the Independent Respectful Workplace Office may defer proceeding with an investigation under this Policy. There may be circumstances where it is appropriate for both processes to proceed simultaneously, in which case both the complainant and respondent will be notified. Complainants who have availed themselves of investigations under other processes may still receive informal supports through the Independent Respectful Workplace Office.

- .05 All participants are required to cooperate during investigations.
- .06 Following the conclusion of an investigation, a final investigative report will be issued with a plan for respectful workplace restoration. The Independent Respectful Workplace Office will follow up with participants and management to determine whether the report's recommendations have been implemented.
- .07 Any allegation of a breach of this Policy may involve the collection, use and disclosure of sensitive personal information. Confidentiality is required to protect those who have experienced a breach of this Policy, those accused of a breach under this Policy, and witnesses. However, either the complainant or the respondent may discuss the case in confidence with the Independent Respectful Workplace Office and may seek confidential support and advice from trusted individuals.

Subject to any limits or disclosure requirements imposed by law or required by this Policy, any and all information, oral and written, created, gathered, received, or compiled through the course of a complaint is to be treated as confidential by the complainant and the respondent, witnesses, or any other persons designated by this Policy. Information will be disclosed only to the extent necessary to investigate and resolve a complaint.

All investigatory and evidentiary documents as gathered or prepared regarding the complaint, including summary investigation reports, will be deemed the property of the Legislative Assembly and will be held in strict confidence by the Independent Respectful Workplace Office. Such documents will not be copied or distributed, subject to disclosure requirements imposed by legal proceedings or required by this Policy or by agreement between the participants involved.

- .08 If an investigation is being conducted and criminal charges may be pursued, the Independent Respectful Workplace Office may continue conducting the investigation under the usual course of action, unless, in the opinion of the Independent Respectful Workplace Office it would be beneficial to suspend.

6. Retaliation Not Tolerated

.01 Participants have the right to raise concerns without fear of retaliation. No retaliation will be taken against any participant who, in good faith, reports a breach under this Policy. Acts of retaliation are a serious breach of this Policy and will be dealt with in the same manner as acts of disrespectful behaviour, discrimination, harassment, or violence.

7. Consequences

.01 When an investigation concludes that a participant has committed a breach of the Policy, appropriate action will be taken. All participants, including management, who are found to have acted in breach of this Policy may be subject to disciplinary action.

8. Respectful Workplace Restoration

.01 The Independent Respectful Workplace Office will work with participants and management, as appropriate, to address any remaining workplace issues to ensure a respectful workplace. This may include providing direction and advice to affected participants, providing training to facilitate an understanding of appropriate interactions, and team building to restore relationships.

Contact

Questions regarding this Policy may be directed to the Independent Respectful Workplace Office at info@irwobc.ca.

Approved and authorized by the Legislative Assembly Management Committee on July 8, 2021.

POLICY HISTORY	
Version 1	July 3, 2019
Version 2	July 8, 2021

APPENDIX A

PARTICIPANTS TO THE LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA RESPECTFUL WORKPLACE POLICY

Members of the Legislative Assembly

Caucus staff: *persons employed by a party caucus or an Independent Member*

Legislative Assembly employees: *persons employed by the Legislative Assembly*

Political staff: *persons appointed under section 15(1)(a) of the [Public Service Act](#), R.S.B.C. 1996, c.385*

Note: this Policy does not apply to constituency office staff other than in relation to events occurring on the Legislative Precinct.

Appendix last update: November 4, 2021